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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/788,603	02/27/2004	Bruce L. Finn	04-13244	9196
25189	7590	08/23/2005	EXAMINER	
CISLO & THOMAS, LLP 233 WILSHIRE BLVD SUITE 900 SANTA MONICA, CA 90401-1211			LEE, GUNYOUNG T	
			ART UNIT	PAPER NUMBER
			2875	

DATE MAILED: 08/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

HA

<b>Office Action Summary</b>	<b>Application No.</b> 10/788,603	<b>Applicant(s)</b> FINN, BRUCE L.	
	<b>Examiner</b> Gunyoung T. Lee	<b>Art Unit</b> 2875	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 37-50 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 50 is/are allowed.
- 6) ☒ Claim(s) 37-49 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |  |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____  |

## **DETAILED ACTION**

### ***Information Disclosure Statement***

1. The information disclosure statement filed 02/27/2004 fails to comply with the provisions of 37 CFR 1.97, 1.98 and MPEP § 609 because the year in Date of Patent should be in four-digit format (e.g. 4/28/1970 or 4/28/1870). It has been placed in the application file, but the information referred to therein has not been considered as to the merits. Applicant is advised that the date of any re-submission of any item of information contained in this information disclosure statement or the submission of any missing element(s) will be the date of submission for purposes of determining compliance with the requirements based on the time of filing the statement, including all certification requirements for statements under 37 CFR 1.97(e). See MPEP § 609 ¶ C(1).

### ***Specification***

2. The specification, exclusive of claims, is more than 20 pages. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

### ***Double Patenting***

3. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11

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F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

4. Claims 37-38 and 41-15 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1 and 3 of U.S. Patent No. 6,106,125.

5. Claims 37-45 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 11-13 and 15-19 of U.S. Patent No. 6,588,912.

6. Claims 37-39, 41-46 and 49 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 4, 9, 12, 19-23, 31, 34, 37, 39, 42 and 50-52 of U.S. Patent No. 6,719,434.

7. Although the conflicting claims are not identical, they are not patentably distinct from each other because claims in a pending application should be given their broadest reasonable interpretation. *In re Pearson*, 181 USPQ 641 (CCPA 1974).

Application Claim #	(U.S. 6,106,125) Claim #	(U.S. 6,588,912) Claim #	(U.S. 6,719,434) Claim #
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37	1 3	11	1 31
38	1	11, 12	1, 12 31, 37, 42
39		11, 13	1, 9 31, 37, 39
40		11, 15	
41	1 3	11, 15	1, 19 31
42	1 3	11, 15, 16	1, 19, 20
43	1 3	11, 17	1, 21 31, 37, 50
44	1 3	11, 17, 18	1, 21, 22 31, 37, 50, 51
45	1 3	11, 17, 18, 19	1, 21, 22, 23 31, 37, 50, 51, 52
46			31, 33
49			1, 4 31, 34

### ***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 37-49 are rejected under 35 U.S.C. 103(a) as being unpatentable over BUCKLEY (US 5,915,828) in view of FARRALL (US 4,788,628) or KING (US 5,311,409) or WALTZ (US 4,757,425).

10. In regards to 37-49, BUCKLEY discloses a motion picture lighting system having:

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- A housing (Fig. 1, 18 and Fig. 4, 38, 42, 44) capable of supporting a plurality of lamps (Fig. 4, 36);
- Wherein the housing (Fig. 1, 18 and Fig. 4, 38, 42, 44) has four sides (Fig. 2) and a front (Fig. 4, 56);
- A primary filter holding element (Fig. 1, 25, 57, 59) disposed between the lamps (Fig. 4, 36) and the front (56);
- Wherein the primary filter holding element (Fig. 1, 25, 57, 59) is supported from said housing (18);
- A light mounting element (Fig. 1, 30, 34) for supporting the plurality of lamps (36);
- Wherein the housing (Fig. 2) provides access to the primary holding element for removing and replacing a primary filter element (col. 3, lines 1-5);
- Means (Fig. 1, 14, 16) attached to the housing for suspending the front projection light device (col. 2, lines 21-22);
- A secondary filter holding element (col. 3, lines 24-26), wherein the secondary holding element is supported from the housing spaced from said primary filter holding element (Fig. 2);
- The primary and secondary filter element is a (translucent) material that diffuses the light (col. 2, lines 43-46).

However, BUCKLEY does not disclose:

- A plurality of par lamps (claim 37);
- At least one of the sides of the housing is an aluminum material (claim 40);

- A foldable housing (claim 46);
- Wherein the light mounting element has a rod (claim 47);
- The housing is composed of a semi-rigid material (claim 48)
- The housing is composed of a fabric (claim 49).

11. In regards to the plurality of par lamps (claim 37), BUCKLEY does not disclose expressly for the kind of light bulb for the lighting system. However, BUCKLEY states that the lighting system is applicable for motion picture filming and is necessary to quickly and easily change the lighting conditions (col. 1, lines 49-51). It would have been obvious to one of ordinary skill in the art at the time of the invention to use the par lamps for the motion picture lighting system of BUCKLEY, since it is well known in the art that the parabolic aluminized reflector (PAR) lamps fits well for the applications such as for motion picture filming and concert stage where fast installation, quick and easy convertibility for various beams and low cost for maintenance is essential.

12. In regards to the housing made of aluminum (claim 40), semi-rigid (claim 48) or fabric (claim 49) materials, BUCKLEY does not disclose expressly the material for the housing of the motion picture lighting system. However, it is well known in the art that the motion picture lighting system is traveled a lot, so it is very desired to have lightweight housing for easy carry and storage and a semi-rigid material property for high impact resistance. FARRALL discloses a banklight system with a housing (Fig. 2, 10) which can be constructed with semi-rigid aluminum (elastic modulus of aluminum is

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one-third of the steel) or flexible fabric (col. 5, lines 5-13). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the motion picture lighting system of BUCKLEY with the housing of the banklight system as described in FARRALL for the purpose of minimizing the weight of the lighting system for easy carry and maximizing resistance to the impacts during travel.

13. In regards to the foldable housing (claim 46), KING discloses a collapsible photographic light diffuser (Fig. 14) having a foldable housing (51) (col. 6, lines 3-7). It would have been obvious to one of ordinary skill in the art at the time of the invention to use the foldable housing of KING for the motion picture lighting system of BUCKLEY to fold to collapse the light diffuser body into a flattened, compact form which is easy and readily portable.

14. In regards to the light-mounting element with a rod (claim 47), WALTZ discloses a photographic light diffuser having a rod (Fig. 5, 12) to accommodate the lighting body (46, 47, 60, 62). It would have been obvious to one of ordinary skill in the art at the time of the invention to use the light-mounting element having a rod as shown in WALTZ for the motion picture lighting system of BUCKLEY for easy adjustment of the light source to provide various degrees of diffused lighting.

***Allowable Subject Matter***

15. Claim 50 is allowable over the prior art of record since the cited references taken individually or in combination fails to particularly disclose a front projection lighting system which includes: (a) a foldable housing having semi-rigid material and fabric; (b) the housing capable of supporting a plurality of par lamps; (c) the housing having four sides and a front, at least one of said sides having an aluminum material; (d) an attaching mechanism coupled to the housing for suspending the front projection light device; (e) a primary filter holding element disposed between the par lamps and the front; (f) a secondary filter holding element; (i) primary and secondary diffusing filter elements, wherein light produced by said plurality of pars lamps is directed therethrough; (j) the housing providing access to the primary filter holding element for removing and replacing the primary filter holding element; and (k) a light mounting element having a rod. It is noted that the closest prior art, BULKLEY (US 5,915,828) shows a similar apparatus which includes many of the claimed features. However, BULKLEY fails to disclose: a plurality of par lamps; the foldable housing having a semi-rigid aluminum material; and a light mounting element having a rod.

***Conclusion***

16. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. CHUBB (US 2,169,022) and ROSENTHAL (US 4,504,888) show a diffuser unit having a housing with four sides and plural lights enclosed within the housing.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gunyoung T. Lee whose telephone number is (571) 272-8588. The examiner can normally be reached on 7:30 - 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra L. O'Shea can be reached on (571) 272-2378. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

**ALI ALAVI**  
**PRIMARY EXAMINER**

GTL  
8/21/2005

A handwritten signature in black ink, appearing to read 'Ali Alavi', with a stylized flourish at the end.